NETJETS®

Comments of NetJets, Inc.

Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo and Records

Notice of Proposed Rulemaking; 49 CFR 830

Federal Register Docket No. 04-28148

January 21, 2005

Deepak Joshi, Lead Aerospace Engineer (Structures)
National Transportation Safety Board
490 L'Enfant Plaza, SW., Room 5235
Washington, DC 20594

Submitted via Airborne Express

NetJets, Inc. appreciates the opportunity to respond to the Notice of Proposed Rulemaking that amends 49 CFR 830. Companies associated with NetJets, Inc. operate and/or manage over 500 turbojet aircraft in Part 135 operations.

NetJets supports the proposed changes to 49 CFR 830.2 and 830.5(a)(3) and the addition of 830.5(a)(8). The proposed addition of 830.5(a)(9) and (10) warrant the following comments.

49 CFR 830.5(a)(9)

The use of the term "majority" in the proposed addition of 49 CFR 830.5(a)(9) leaves the application of the rule open to interpretation. Specifically, the discussion in the preamble to the proposed rule with respect to redundancy of information raises the following questions:

If an aircraft equipped with four (4) PFD/MFD displays experiences the loss of two (2) such displays, would that be a reportable event if the information **is not** able to be displayed on one of the remaining displays?

If an aircraft equipped with four (4) PFD/MFD displays experiences the loss of two (2) such displays would it be a reportable event if the information **is** able to be displayed on one of the remaining displays?

It would appear that the intent of the proposed rule is to require reporting of events in which the availability of information necessary to operate the aircraft is significantly reduced.

As such, it would seem that a more appropriate data capture would be the reporting of occurrences involving the loss of two or more displays that result in the total loss of primary flight or engine information, due to the inability to display the information elsewhere in the cockpit.

A suggested amendment to the proposed change to 49 CFR 830.5(a)(9) is as follows:

§ 49 CFR 830.5(a)(9) Loss of information, excluding momentary inaccuracy or flickering from display systems that are certified installations, from two or more of an aircraft's certified electronic displays used to display primary flight or engine information, where all of the information lost cannot be reverted to a secondary display and is not available on a secondary instrumentation display.

49 CFR 830.5(a)(10)

The requirement in the proposed addition of 49 CFR 830.5(a)(10) to report an Airborne Collision and Avoidance System (ACAS) Resolution Advisory (RA) issued when an aircraft is being operated on an Instrument Flight Rules (IFR) flight plan represents a significant burden to aircraft operators.

While NetJets agrees that the reporting of RA information may assist in the identification of "choke points" in the ATC system, the requirement to report RAs will result in significant burden to operators and may duplicate information currently available to be captured.

In situations where the aircraft is operating under direct control of Air Traffic Control (ATC), the current regulations require notification to the controlling ATC facility for clearance deviations[1]. As a result, the notification and capture of data related to a RA can be achieved through the current ATC facilities and procedures without imposing an additional reporting burden on crewmembers or operators. Given these facts, will the proposed requirement for an Operator or Pilot in Command to report an RA provide any new information or will it represent a repetition of data already available?

All of NetJets flight operations are conducted while operating on an IFR flight plan, however many RAs occur while on a visual segment of the flight such as an arrival at an uncontrolled airport. While reports of these events may provide information relating to the flight operations activity levels of a specific airport; it is unlikely that the information will provide valuable information relating to ATC system and airspace design given that both aircraft may be operating for all intents and purposes VFR at the time of the RA.

Reporting Mechanism

The vehicle for complying with the reports required by the current and proposed changes to 49 CFR 830.5 is unclear.

Noting the title of Board Form 6120.1/2 is "Pilot / Operator Aircraft Accident Report" it would appear that the use of this form would be inappropriate for reporting an item requiring immediate notification in accordance with 49 CFR 830.5(a).

In addition, Board Form 6120.1/2 captures a significant amount of data that is irrelevant to an RA event.

No other standard reporting forms applicable to the reporting of events other than Aircraft Accidents are apparent in a search of NTSB and FAA sources.

If the requirement to report RAs is implemented, a method for easy submission of data to include fax, or web based submission is essential. A proposed modification of the current Form 6120.1/2 is included in Appendix A that eliminates the data capture of irrelevant information. To ensure ease of compliance with the proposed reporting requirements, it would be vital that a web based version of the RA reporting form be available at the time the proposed rule becomes effective. This will also be important to the capture of data upon receipt by the NTSB due to the potential volume of data as discussed below.

---

[1] § 91.123(c) Compliance with ATC clearances and instructions.

Volume of Data

If the proposed changes are implemented, regardless of the method used to capture data, the reporting burden for the industry and the data collection for the NTSB will be significant.

The current pilot force of approximately 2000 NetJets crewmembers report receiving an average of two RAs per month. Extrapolating that out for a full year, the number of reports required to be filed by NetJets alone would approximate 24,000 annually if one crew report is filed per event.

Considering the number of daily airline and regional operations in addition to other business aircraft operations, it would not be inconceivable to have the total number of RA reports exceed 250,000 per year. Given these estimates, one must wonder if the NTSB resources are sufficient to handle the volume of reports that are likely to be submitted.

49 CFR 830.15(a)

A disconnect exists between the current language of 49 CFR 830.15(a) and the intent of NPRM. 49 CFR 830.15(a) currently requires a report on an incident for which immediate notification is required by Sec. 830.5(a). The report is to be filed only as requested by an authorized representative of the Board. Conversely, the intent of the NPRM appears to be to capture all RA information.

If the changes to 49 CFR 830.5(a) are adopted as proposed, the language in 49 CFR 830.15(a) would need modification to harmonize the two sections. A suggested change would be:

> *§ 830.15 Reports and statements to be filed.*
>
> *(a) Reports. The operator of a civil, public (as specified in Sec. 830.5), or foreign aircraft shall file a report on Board Form 6120.1/2 (OMB No. 3147-0001) \2\ within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which immediate notification is required by Sec. 830.5(a)(1)-(9) shall be filed only as requested by an authorized representative of the Board. A report required by Sec. 830.5(a)(10) shall be filed on Board Form XXXX within 10 days after a resolution advisory occurrence.*

Thank you for your consideration and please contact me if any additional information is required.

Sincerely,

D. Richard Meikle
Director, Safety and Government Relations
NetJets, Inc.
4111 Bridgeway Ave.
Columbus, OH 43219
meikle@netjets.com

Appendix A

NATIONAL TRANSPORTATION SAFETY BOARD
PILOT/OPERATOR AIRCRAFT ACAS ALERT REPORT – SAMPLE ONLY (Not for Operational Use)
This form To Be Used For Reporting Resolution Advisories Involving Commercial and General Aviation Aircraft

Location

Nearest Airport / Navaid / Intersection	Date of Event	Local Time (24 HOUR CLOCK)	Time Zone

Phase of Operations

1. ☐ Takeoff 3. ☐ Cruise 5. ☐ Approach 7. ☐ Hover/Maneuver
2. ☐ Taxi 4. ☐ Climb 6. ☐ Descent 8. ☐ Landing 9. ☐ Altitude of In-Flight Occurrence _____ Feet MSL

If The RA Occurred On Approach, Takeoff Or Within 5 Miles Of An Airport, Complete The Following Information

Proximity To Airport	Airport Name	Airport Ident	Runway Direction in use
1. ☐ Within ½ Mile 3. ☐ Within 2 Miles 2. ☐ Within 1 Mile 4. ☐ Within 5 Miles			

Aircraft Information

Registration	Aircraft Manufacturer	Aircraft Type/Model	IFR Equipped	Amateur Built
			1. ☐ Yes 2. ☐ No	1. ☐ Yes 2. ☐ No

Type of Aircraft

1. ☐ Airplane 5. ☐ Blimp/Dirigible
2. ☐ Helicopter 6. ☐ Ultralight
3. ☐ Glider 7. ☐ Gyroplane
4. ☐ Balloon 8. Specify _____

Type of Airworthiness Certificate

1. ☐ Normal 5. ☐ Restricted
2. ☐ Utility 6. ☐ Limited
3. ☐ Acrobatic 7. ☐ Experimental
4. ☐ Transport 8. Specify _____

Engine Type

1. ☐ Reciprocating—Carburetor
2. ☐ Reciprocating—Fuel Injected
3. ☐ Turbo Prop 5. ☐ Turbo Fan
4. ☐ Turbo Jet 6. ☐ Turbo Shaft

Pilot Information

Pilot Name	Pilot Certificate No.	Address	Phone Contact No:

Purpose of Flight and Type of Operation

Regulation Flight Conducted Under

1. ☐ FAR 91 (only) 5. ☐ FAR 121 8. ☐ FAR 133
2. ☐ FAR 91 K 6. ☐ FAR 125 9. ☐ FAR 135
3. ☐ FAR 91D 7. ☐ FAR 129 10. ☐ FAR 137
4. ☐ FAR 103

Purpose of Flight

1. ☐ Personal 6. ☐ Aerial Observation
2. ☐ Business 7. ☐ Other Work Use
3. ☐ Instructional 8. ☐ Public Use
4. ☐ Executive/Corporate 9 ☐ Ferry
5. ☐ Aerial Application 10 ☐ Positioning

Operator Authority

FAR 91K
1. ☐ Fractional

FAR 121
2. ☐ Domestic
3. ☐ Flag
4. ☐ Supplemental

FAR 135
5. ☐ On Demand
6. ☐ Commuter

FAR 133
7. ☐ Rotorcraft External Load

FAR 125
8. ☐ Large Aircraft

FAR 129
9. ☐ Foreign

FAR 91K, 121, 125, 127, 129, 135 Revenue Operations

1. ☐ Scheduled
2. ☐ Non Scheduled
3. ☐ Domestic
4. ☐ International
5. ☐ Passenger
6. ☐ Cargo
7. Specify _____

Flight Itinerary Information

Departure Point	Destination	Flight Plan Filed
1. Airport ID _____ 2. City/Place _____ 3. State _____	1. Airport ID _____ 2. City/Place _____ 3. State _____	1. ☐ None 4. ☐ VFR/IFR 2. ☐ VFR 5. ☐ Company (VFR) 3. ☐ IFR 6. ☐ Military (VFR)

Weather Information

Sky/Lowest Cloud Condition

1. ☐ Clear
2. ☐ Scattered _____ Feet AGL
3. ☐ Broken _____ Feet AGL
4. ☐ Overcast _____ Feet AGL
5. ☐ Partial Obscuration
6. ☐ Obscurred

Restriction To Visibility

Precipitation Type

Precipitation Intensity

Turbulence (Multiple entry)

1. ☐ None 2. ☐ Light 3. ☐ Moderate 4. ☐ Severe 5. ☐ Extreme 6. ☐ Clear Air 7. ☐ In Clouds

Narrative History Of Flight
Describe what occurred in chronological order, the circumstances leading to the Resolution Advisory. Attach extra sheets if more space is needed.

I Hereby Certify That The Above Information Is Complete And Accurate To The Best Of My Knowledge	
Date of This Report	**Signature of Pilot/Operator**

For NTSB Use Only			
NTSB No.	**Review By NTSB Office Located At**	**Name of Investigator**	**Date Report Received**